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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/823,808

04/13/2004

Conrad C. Dumbrique

14319

5188

7590

03/17/2008

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EXAMINER

ILAN, RUTH

ART UNIT

PAPER NUMBER

3616

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/823,808	<b>Applicant(s)</b> DUMBRIQUE, CONRAD C.	
	<b>Examiner</b> Ruth Ilan	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-21, 23-29 and 31-50 is/are pending in the application.
- 4a) Of the above claim(s) 35-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-21, 23-29 and 31-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/13/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Please note that based on the amendments submitted with the RCE of 8/22/07, a number of 112 1st and 2nd paragraph issues occurred which were not addressed in the Office Action of 9/5/07. These issues will be discussed below, and as such this action will not be made final. Additionally, Applicant's arguments of both 8/22/07 and 12/04/07 will be addressed.

#### ***Claim Objections***

2. Claims 13-15 are objected to because of the following informalities: Claims 13-15, as amended, depend from claim 1, which makes them duplicates of claims 7-9. It is assumed that these claims were intended to depend from claim 11, and they will be treated as such. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 3-11, 13-15, 27-29, 31-34, and 40-50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. These claims were amended on 8/22/07 to include the limitation that the

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airbag module cover includes some form of the limitation "a substrate surface that lacks a tear seam". (Claim 1, line 3, Claim 11, line 3, Claim 27, line 10, and Claim 40, line 14)

It is noted that the invention as disclosed clearly includes a tear seam (72, or 172) in the module cover, see for instance paragraph [0040] of the specification, and Figure 3a, 3b.

It is noted that claim 16 includes the limitation that the primary dashboard panel substrate surface does not include a tear seam, and perhaps this is the limitation that was intended to be included in the other claims noted above, however that is not clear, because this limitation was apparently added to overcome Yokota, which does not have a tear seam in the primary dashboard panel, and as such no clue can be derived from claim 16. It is noted that claims 7-9, 13-15, and 32-34 and 47-49, each require a tear seam and as such they contradict the claims from which they depend.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 3-11, 13-21, 23-29, 31-34 and 40-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with errors, especially in light of the specification. The scope of these claims is very unclear. As discussed above, each of the independent claims 1, 11, 27 and 40 include the absence of a tear seam. Based on the specification, the substrate surface of the airbag module cover is element 52. Element 52 includes a tear seam (72) and it is disclosed that it may "pass completely or partially through the cover 52, and potentially into the foam and skin layers 44, 50" [see paragraph [0040]]. Additionally, each of claims

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7-9, 13-15, and 32-34 and 47-49 include a limitation where "the airbag module cover further includes a tear seam". There is some possibility that what is intended is that the tear seam is cut entirely through the cover, as disclosed in paragraph [0044]) For the purposes of examination, this is what will be assumed. Claim 16 is replete with errors. The "substrate surface" is mentioned a number of times, and since there is both "a primary dashboard panel having a substrate surface" and "an airbag module cover having a substrate surface" it is quite unclear to which is being referred. Additionally "a decorative overlay" is mentioned on line 3, line 6, line 10, and "a "skin-and-foam overlay" is mentioned on 12. The redundancy of these recitations is confusing. Are these intended to be separate elements? The same problem holds with respect to claim 40 and the multiple recitation of a decorative overlay. Regarding claim 17, "an orifice" is recited, but it is not clear if this is intended to be a separate orifice from the one mentioned in line 13 of claim 17. Regarding claim 27, line 7 recites "no visible seam between the substrate surface and the primary dashboard panel". Since two different substrate surfaces have been recited in the claim (see line 3 and line 5) it is unclear which one is intended in lines 7-8. This problem also occurs in lines 9 and 10, where "the substrate surface" and "the substrate" are recited, respectively. Regarding claim 21, "an instrument panel" is not different from the primary dashboard panel, as disclosed, and so this recitation is confusing.

***Claim Rejections - 35 USC § 102***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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8. Claims 16-22, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Yokota (US 6,406,056.) Yokota teaches an inflatable airbag module including a primary dashboard panel having a substrate surface (26) that has an airbag module cover adapter that is orifice and channel (see Figure 1) and does not include a tear seam. Additionally, the air bag module cover (28) includes an instrument panel adapter that is a radial flange extending from the airbag module cover (see Figure 1.) A face of the module cover (bottom) of flange is attached (by integrally molding) to the instrument panel. Regarding the tear seam Yokota teaches one, in substantially the same location as that disclosed by the applicant, on the cover, and teaches that it is molded, stamped or punched into the airbag module cover (see col. 3, lines 13-24.) The combination substrate surface includes a skin and foam overlay (22,24.) and provides a surface that is sufficiently even (see Figure 1.) Regarding the newly added limitation, the instrument panel substrate subtends the substrate surface of the airbag cover (in the same way as disclosed by the applicant, the flange of the cover overlies the channel (see Figure 1.)

***Claim Rejections - 35 USC § 103***

9. As best understood, Claims 1, 3,4, 7-10, 24-29, 32, 33, 34, 40-44, 47- 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota (US 6,406,056.) in view of Bauer (US 5,744,776.) These claims are very confusing, as discussed above, because it is unclear what the status of the tear seam in the module cover includes. For the purposes of examination, it will be assumed that what was intended was the tear seam to completely penetrate the module cover, as discussed in paragraph [0044] and

shown in the Figures. Yokota is discussed above, and for those elements not previously discussed, Yokota teaches a substrate surface (center of cover 28), and includes a module housing with an interlock portion and cushion (see Figure 3.) Regarding the tear seam Yokota teaches one, in substantially the same location as that disclosed by the applicant, on the cover, and teaches that it is molded, stamped or punched into the airbag module cover (see col. 3, lines 13-24.) Yokota does not teach that it extends through the cover, so as not to require a tear, or that it is laser scored. Bauer, as previously discussed teaches such a cover, and further teaches that the depth of the seam (that is partially or all the way through the substrate is a matter of design choice (See Figure 9 and col. 8, lines 15-24) that is selected based on the level of force required to cause rupture of the seam. It would have been obvious to one having ordinary skill in the art at the time of the invention, based on the teaching of Bauer, to provide a laser scored seam that extends through the substrate, in order to reduce the force required to open the door and release the airbag. Regarding claims 40-44, and 47-50, the method claims are inherently taught by the apparatus.

10. As best understood, claims 5,6, 11, 13-15, 23, 31, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota (US 6,406,056.) in view of Bauer (US 5,744,776) and further in view of Goestenkers et al. (US 5,303,951.) Yokota in view of Bauer is discussed above, and fails to teach the claimed interlock connection between the module housing and cover. Goestenkers et al. teaches that it is known in the airbag art to include the claimed connection, with interlocking fingers extending from the cover (see Figures 2,5, and 7.) It would have been obvious to one having ordinary skill in the

art to substitute the module housing and connection of Goestenkors et al. into the module of Yokota in view of Bauer, since both are air bag storage housing systems, and the substitution of one known element fro another would have yielded the predictable result of a well formed connection.

### ***Response to Arguments***

11. Applicant's arguments filed 8/22/07 and 12/4/07 have been fully considered but they are not persuasive. Regarding the issue of Yokota and the tear seam (see p 13 of arguments from 8/22/07) this argument is not persuasive because of the issues noted above regarding the 112 1<sup>st</sup> and 2<sup>nd</sup> paragraph requirements. The applicant has disclosed that the instant invention has a tear seam in the cover substrate (52) and the Examiner has attempted to interpret this limitation as noted above. Regarding the issue of the instrument panel substrate subtending the substrate of the air bag module, this limitation is clearly shown in Yokota, and it is unclear why the Applicant denies such.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 571-272-6673. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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